EPA
Sandy Lao

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

Mr. Donald Lee Griffin Jr.
Environmental, Health, Safety & Security Manager
P.O. Box 655
Pennsauken, N.J. 08110

March 16, 2006

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0002291
Maine Waste Discharge License (WDL) Application #W000637-5S-F-T
Final Permit Transfer

Dear Mr. Griffin:

Enclosed please find a copy of your **final** MEPDES permit/WDL **transfer** which was approved by the Department of Environmental Protection. You must follow the conditions in the permit to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

We would like to make you aware of the fact that your monthly Discharge Monitoring Reports (DMR) may not reflect the revisions in this permitting action for several months. However, you are required to report applicable test results for parameters required by this permitting action that do not appear on the DMR. Please see the attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at (207) 287-7693.

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: Fred Gallant, DEP/SMRO
Sandy Lao, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep

DMR Lag

(reprinted from April 2003 O&M Newsletter)

When the Department renews discharge permits, the parameter limits may change or parameters may be added or deleted. In some cases, it is merely the replacement of the federally issued NPDES permit with a state-issued MEPDES permit that results in different limits. When the new permit is finalized, a copy of the permit is passed to our data entry staff for coding into EPA's Permits Compliance System (PCS) database. PCS was developed in the 1970's and is not user-friendly. Entering or changing parameters can take weeks or even months. This can create a lag between the time your new permit becomes effective and the new permit limits appearing on your DMRs. If you are faced with this, it can create three different situations that have to be dealt with in different ways.

1. If the parameter was included on previous DMRs, but only the limit was changed, there will be a space for the data. Please go ahead and enter it. When the changes are made to PCS, the program will have the data and compare it to the new limit.

2. When a parameter is eliminated from monitoring in your new permit, but there is a delay in changing the DMR, you will have a space on the DMR that needs to be filled. For a parameter that has been eliminated, please enter the space on the DMR for that parameter only with "NODI-9" (No Discharge Indicator Code #9). This code means monitoring is conditional or not required this monitoring period.

3. When your new permit includes parameters for which monitoring was not previously required, and coding has not caught up on the DMRs, there will not be any space on the DMR identified for those parameters. In that case, please fill out an extra sheet of paper with the facility name and permit number, along with all of the information normally required for each parameter (parameter code, data, frequency of analysis, sample type, and number of exceedances). Each data point should be identified as monthly average, weekly average, daily max, etc. and the units of measurement such as mg/L or lb/day. Staple the extra sheet to the DMR so that the extra data stays with the DMR form. Our data entry staff cannot enter the data for the new parameters until the PCS coding catches up. When the PCS coding does catch up, our data entry staff will have the data right at hand to do the entry without having to take the extra time to seek it from your inspector or from you.

EPA is planning significant improvements for the PCS system that will be implemented in the next few years. These improvements should allow us to issue modified permits and DMRs concurrently. Until then we appreciate your assistance and patience in this effort.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER
IN THE MATTER OF

CITGO PETROLEUM CORPORATION	)	MAINE POLLUTANT DISCHARGE
SOUTH PORTLAND, CUMBERLAND CTY, ME.)		ELIMINATION SYSTEM PERMIT
BULK FUEL STORAGE FACILITY	)	AND
W000637-5S-F-T	)	WASTE DISCHARGE LICENSE
ME0002291 **APPROVAL**	)	**TRANSFER**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq. and Maine Law 38 M.R.S.A., Section 414-A et. seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of CITGO PETROLEUM CORPORATION (CITGO hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

a. Application: The applicant has applied for the transfer of Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0002291/ Maine Waste Discharge License (WDL) #W007950-5S-E-R, (permit hereinafter) issued on January 21, 2005, to Motiva Enterprises LLC (MOTIVA). The permit authorized the discharge of treated storm water runoff at a rate of 500 gallons per minute (gpm) and up to five million gallons of hydrostatic test waters per discharge event from a bulk fuel storage and transfer facility to the Fore River, Class SC, in South Portland, Maine. The permit is due to expire on January 21, 2010.

The South Portland bulk fuel facility was formerly owned jointly by MOTIVA and CITGO. Irving Oil purchased MOTIVA's portion of the facility on February 1, 2006. MOTIVA, Irving Oil and CITGO agreed that CITGO would become the new operator.

CITGO is a Delaware based corporation and has been duly qualified by the Maine Secretary of State to be in good standing and authorizes the corporation to conduct business under the laws of the State of Maine as of the date of this document. CITGO has submitted information demonstrating that they have legal title, right, or interest in the facility. The applicant has indicated and submitted information demonstrating that they possess the financial capacity and technical ability to operate the facility in compliance with the terms and conditions of the 12/21/05 MEPDES Permit / Maine WDL.

b. History: Relevant regulatory actions include the following:

January 21, 2005 - The Department issued MEPDES permit #ME0002291/ WDL #W007950-5S-E-R, for a five-year term.

February 14, 2006 – CITGO submitted an application to the Department to transfer the permit from MOTIVA Enterprises LLC to the CITGO Petroleum Corporation.

CONCLUSIONS

Based on the above Findings of Fact, the Department CONCLUDES that the CITGO PETROLEUM CORPORATION has demonstrated the technical ability and the financial capacity to comply with all conditions of Maine Pollutant Discharge Elimination System Permit #ME0002291/ Maine Waste Discharge License #W000637-5S-E-R, dated January 21, 2005, and to satisfy all applicable statutory and regulatory criteria.

ACTION

THEREFORE, the Department APPROVES the above noted application of the CITGO PETROLEUM CORPORATION, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations including:

1. The applicant shall abide by the terms and conditions of Maine Pollutant Discharge Elimination System Permit #ME0002291/ Maine Waste Discharge License #W000637-5S-E-R, dated January 21, 2005, a copy attached.

2. The above referenced permit expires on January 21, 2010.

DONE AND DATED AT AUGUSTA, MAINE, THIS 16TH DAY OF MARCH 2006.

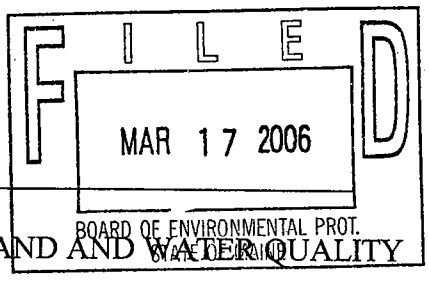
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____ FOR
David Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: February 14, 2006
Date of application acceptance: February 14, 2006

Date filed with Board of Environmental Protection



This Order prepared by Gregg Wood, BUREAU OF LAND AND WATER QUALITY

W06375SF

Master File

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

Ms. Carol Campagna
Terminal Manager
Motiva Enterprises LLC
102 Mechanic Street
South Portland, ME. 04106

January 21, 2005

RE: Maine Waste Discharge License (WDL) Application #W000637-5S-E-R
Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0002291
Final Permit/License

Dear Ms.Campagna:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. This permit/license supersedes National Pollutant Discharge Elimination System (NPDES) permit #ME0002291, last issued by the Environmental Protection Agency (EPA) on August 30, 1999. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the permit/license to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

We would like to make you aware of the fact that your monthly Discharge Monitoring Reports (DMR) may not reflect the revisions in this permitting action for several months however, you are required to report applicable test results for parameters required by this permitting action that do not appear on the DMR. Please see the attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,

Gregg Wood
Division of Water Resource Regulation
Bureau of Land and Water Quality

Enc.

cc: Stephen Arnold, DEP/SMRO Ted Lavery, USEPA

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(reprinted from April 2003 O&M Newsletter)

When the Department renews discharge permits, the parameter limits may change or parameters may be added or deleted. In some cases, it is merely the replacement of the federally issued NPDES permit with a state-issued MEPDES permit that results in different limits. When the new permit is finalized, a copy of the permit is passed to our data entry staff for coding into EPA's Permits Compliance System (PCS) database. PCS was developed in the 1970's and is not user-friendly. Entering or changing parameters can take weeks or even months. This can create a lag between the time your new permit becomes effective and the new permit limits appearing on your DMRs. If you are faced with this, it can create three different situations that have to be dealt with in different ways.

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   EPA is planning significant improvements for the PCS system that will be implemented in the next few years. These improvements should allow us to issue modified permits and DMRs concurrently. Until then we appreciate your assistance and patience in this effort.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

MOTIVA ENTERPRISES LLC.	) MAINE POLLUTANT DISCHARGE
SOUTH PORTLAND, CUMBERLAND CTY, ME.	) ELIMINATION SYSTEM PERMIT
BULK FUEL STORAGE FACILITY	) AND
W000637-5S-E-R	) WASTE DISCHARGE LICENSE
ME0002291 **APPROVAL**	) **RENEWAL**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq. and Maine Law 38 M.R.S.A., Section 414-A et. seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of MOTIVA ENTERPRISES LLC (Motiva hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The permittee has submitted an application to the Department to renew Waste Discharge License (WDL) #W000637-5S-D-R, which was issued on June 6, 2000, and is due to expire on June 6, 2005. The WDL authorizes the permittee to discharge treated storm water runoff at a daily maximum flow rate of 500 gpm to the Fore River, Class SC, in South Portland, Maine.

PERMIT SUMMARY

On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine. From this point forward, the program will be referred to as the MEPDES permit program and permit #ME0002291 (same as NPDES permit number) will utilized as the primary reference number.

This permitting action is similar to the 6/5/00 WDL action in that it is carrying forward all the terms and conditions with the following exceptions:

1. Establishing a daily maximum concentration reporting requirement for benzene for Outfall #001.

2. Increasing the daily maximum limit for total suspended solids (TSS) from 50 mg/L to 100 mg/L for the discharges from Outfall #001 to be consistent with the NPDES permits for other similar facilities permitted by the EPA in Region I - New England. In addition, this permit establishes an average limit of 50 mg/L whereby compliance is based on a 12-month rolling averaging period.

3. Reducing the monitoring frequency for all parameters (with the exception of pH) from 1/Month to 1/Quarter.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated December 14, 2004, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:

   a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;

   b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;

   c. The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

   d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and

   e. Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the application of MOTIVA ENTERPRISES LLC. to discharge treated storm water runoff and hydrostatic test waters from a bulk fuel storage and transfer facility to the Fore River, Class SC, subject to the attached conditions and all applicable standards and regulations:

1. "*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*," revised July 1, 2002, copy attached.

2. The attached Special Conditions, including any effluent limitations and monitoring requirements.

3. This permit expires five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 21ST DAY OF JANUARY 2005.

COMMISSIONER OF ENVIRONMENTAL PROTECTION

BY: _____ FOR
Dawn Gallagher, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application November 8, 2004.

Date of application acceptance November 10, 2004.

FILED
JAN 24 2005
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE

Date filed with Board of Environmental Protection _____

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY

W06375SE 1/21/05

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge treated storm water runoff to the Fore River. Such treated waste water discharges shall be limited and monitored by the permittee as specified below.

OUTFALL #001 - Storm water runoff and/or hydrostatic test waters

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type As specified
Flow *[50050]*	---	---	---	500 gpm(1) *[78]*	1/ Quarter *[01/90]*	Measure *[MS]*
Total Suspended Solids *[00530]*	---	---	50 mg/L(2) *[19]*	100 mg/L *[19]*	1/ Quarter *[01/90]*	Grab(3) *[GR]*
Oil & Grease *[00552]*	---	---	---	15 mg/L *[19]*	1/Quarter *[01/90]*	Grab(3) *[GR]*
Benzene *[34030]*	---	---	---	Report mg/L(4) *[19]*	1/Quarter *[01/90]*	Grab(3) *[GR]*

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

OUTFALL #002 - Hydrostatic test waters

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements			
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow (Total Gallons) *[82220]*	---	---	---	5.0 EE6 gal *[57]*	1/Discharge *[01/DS]*	Measure *[MS]*
Total Suspended Solids *[00530]*	---	---	---	50 mg/L *[19]*	1/Discharge *[01/DS]*	Grab(3) *[GR]*
Oil & Grease *[00552]*	---	---	---	15 mg/L *[19]*	1/Discharge *[01/DS]*	Grab(3) *[GR]*
Total Residual Chlorine *[50060]*	---	---	---	0.013 mg/L(6) *[19]*	1/Discharge *[01/DS]*	Grab(3) *[GR]*

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Footnotes:

Sampling Locations: Samples for all parameters shall be collected after the oil/water separator during the first hour of discharge.

Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services.

(1) **Flow** - The flow through the oil/water separator shall consist of storm water runoff and/or hydrostatic test water only. The direct or indirect discharge of liquids from petroleum product pipelines, transport tanks, vessels or storage tanks through the oil/water separator is not authorized by this permit. No chemical treatment such as dispersants, emulsifiers or surfactants may be added to the oil/water separator or any waste water discharge stream contributing flow to the separator.

At no time shall the flow through the oil/water separator exceed the design flow of 500 gpm of the separator. Flow measurement devices or calculated flow estimates via pump curves or tank volumes or other methods must be approved by the Department. Measurement of flow may be suspended upon approval from the Department in the event the permittee limits flow to the separator by installing a permanent constriction to prevent flows from exceeding the design capacity of the separator. The installation, replacement or modification of any flow measurement or constriction device requires prior approval by the Department.

(2) **Total Suspended Solids (TSS)**– The monthly average concentration limitation of 50 mg/L for TSS is based on an average over the previous twelve-month period. For the purposes of this permitting action, the twelve-month rolling average calculation is based on the test results for the most recent twelve-month period. Months when there is no discharge (no sampling, i.e. TSS = 0 mg/L) are not to be included in the calculations. See page 7 of the Fact Sheet of this permit for an example calculation. For the first three calendar quarters (1/05 – 3/05, 4/05 – 6/05 and 7/05 – 9/05) of the term of this permit, the permittee shall report "NODI-9" in the applicable space on the Discharge Monitoring Report (DMR). In the "Comments" box at the bottom of the DMR, the permittee shall indicate this is the first of four quarters, second of four quarters etc. In the fourth calendar quarter and each quarter thereafter, the permittee shall calculate and report on the DMR, the 12-month rolling average TSS concentration.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes:

(3) **Sample Type** - Storm water runoff from one significant storm event per calendar quarter shall be sampled for TSS, oil & grease and benzene. Significant storm event is defined as any event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable storm event. Suitable size and type of samples shall be collected in accordance with 40 CFR Part 136. Grab samples will be collected within the first hour (first flush) after the diked area(s) drainage area and/or pumpout has started. Separate aliquot samples shall be taken for the analysis for each parameter.

(4) **Benzene**: The Department's reporting level (RL) of detection for benzene is 5 ug/L (0.005 mg/L). All analytical test results shall be reported to the Department including results which are detected below the RL of 0.005 mg/L.

Detectable results: All detectable analytical test results shall be reported to the Department including results which are detected below the RL. If the concentration result is at or above the RL, the concentration shall be reported at that level.

Non-detectable results: If the analytical test result is below the RL, the concentration result shall be reported as <X where X is the detection level achieved by the laboratory for that test.

(5) **Total Residual Chlorine (TRC)** – TRC shall be tested using Amperometric Titration or the DPD Spectrophotometric Method. The EPA approved methods are found in Standard Methods for the Examination of Water and Waste Water, (Most current edition), Method 4500-CL-E and Method 4500-CL-G or U.S.E.P.A. Manual of Methods of Analysis of Water and Wastes. For the monthly average limit, compliance/non-compliance determinations will be based is the Minimum Level (ML) of detection. EPA Region I's Quality Assurance Office established a ML of 0.05 mg/L for TRC in April of 1992. All analytical test results shall be reported to the Department including results which are detected below the ML.

Detectable results: All detectable analytical test results shall be reported to the Department including results which are detected below the ML. If the concentration result is at or above the ML, the concentration shall be reported at that level.

Non-detectable results: If the analytical test result is below the ML, the concentration result shall be reported as <X where X is the detection level achieved by the laboratory for that test.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time that would impair the usages designated by the classification of the receiving waters.

2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.

3. The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.

4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. OIL/WATER SEPARATOR MAINTENANCE

The permittee shall maintain an up-to-date operations and maintenance plan for the oil/water separator. The plan shall include, but not be limited to, measures to ensure the separator performs within the designed performance standards of the system, is maintained on a routine basis to maximize the design capacity and efficiency of the system, and that adequate staffing and training of personnel is provided to ensure compliance with discharge limitations. The operations and maintenance plan shall remain on site at all times and will be subject to periodic inspection by Department personnel.

For the purposes of minimizing suspended solids in the storm water directed to the separator, the permittee shall implement best management practices (BMP's) for erosion and sedimentation control. The permittee shall periodically inspect, maintain and repair erosion and sedimentation control structures as necessary.

D. HYDROSTATIC TEST WATER

Tanks being hydrostatically tested must be clean of product, all construction debris, including sandblasting grit, prior to testing and discharge through Outfall #001. The discharge must be dechlorinated if test results indicate that discharged waters will violate permit limits. Hydrostatic test water from tanks that have been washed, cleaned and certified for welding need not be discharged through the oil/water separator. The permittee shall notify the Department of an intended discharge of hydrostatic test water at least three days, excluding weekends, prior to the discharge.

SPECIAL CONDITIONS

E. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

The permittee shall develop, maintain and periodically update the Storm Water Pollution Prevention Plan (SWPPP) for the facility. As the site or any operations conducted on it have changed or are expected to change materially or substantially, the permittee shall modify its SWPPP as necessary to include such changes and notify the Department and the EPA within 90 days of such modifications to the plan. The permittee shall maintain a copy of the SWPPP and any subsequent revisions at the terminal and shall make the plan available to any Department or EPA representative upon request.

The SWPPP requirements are intended to facilitate a process whereby the permittee thoroughly evaluates potential pollution sources at the terminal and selects and implements appropriate measures to prevent or control the discharge of pollutants in storm water runoff. The process involves the following four steps: (1) formation of a team of qualified facility personnel who will be responsible for preparing the SWPPP and assisting the terminal manager in its implementation; (2) assessment of potential storm water pollution sources; (3) selection and implementation of appropriate management practices and controls; and (4) periodic evaluation of the effectiveness of the plan to prevent storm water contamination and comply with the terms and conditions of the permit.

F. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the treatment plant Outfall #001 and #002(administrative). Discharges of waste water from any other point source are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5)(*Bypass*) of this permit.

G. MONITORING AND REPORTING

Monitoring results shall be summarized for each calendar quarter and reported on separate Discharge Monitoring Report Forms provide by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. A signed copy of the Discharge Monitoring Report and all other reports required herein shall be submitted to the following address:

Maine Department of Environmental Protection
Division of Engineering, Compliance & Technical Assistance
Southern Maine Regional Office
Bureau of Land & Water Quality
312 Canco Road
Portland, ME. 04103

SPECIAL CONDITIONS

H. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results in the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded: (2) require additional effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **December 14, 2004**

PERMIT NUMBER: **ME0002291**
LICENSE NUMBER: **W000637-5S-E-R**

NAME AND ADDRESS OF APPLICANT:

MOTIVA ENTERPRISES LLC
102 Mechanic Street
South Portland, ME. 04106

COUNTY: **Cumberland**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

102 Mechanic Street
South Portland, Maine 04106

RECEIVING WATER AND CLASSIFICATION: **Fore River, Class SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:
Ms. Carol Campagna, Terminal Manager
(207) 799-3394

1. APPLICATION SUMMARY

The permittee has submitted an application to the Department to renew Waste Discharge License (WDL) #W000637-5S-D-R, which was issued on June 5, 2000 and is due to expire on June 5, 2005. The WDL authorizes the permittee to discharge treated storm water runoff at a daily maximum flow rate of 500 gpm to the Fore River, Class SC, in South Portland, Maine.

2. PERMIT SUMMARY

a. Regulatory - On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine. From this point forward, the program will be referred to as the MEPDES permit program and permit #ME0002291 (same as NPDES permit number) will be utilized as the primary reference permit number for the permittee's facility. The NPDES permit last issued by the EPA on August 30, 1999, will be superseded by the MEPDES permit upon issuance. Once superseded, all terms and conditions of the NPDES permit are null and void.

b. Terms and conditions - This permitting action is similar to the 6/5/00 WDL action in that it is carrying forward all the terms and conditions with the following exceptions:

1. Establishing a daily maximum concentration reporting requirement for benzene for Outfall #001.

2. Increasing the daily maximum limit for total suspended solids (TSS) from 50 mg/L to 100 mg/L for the discharges from Outfall #001 to be consistent with the NPDES permits for other similar facilities permitted by the EPA in Region I - New England. In addition, this permit establishes an average limit of 50 mg/L whereby compliance is based on a 12-month rolling averaging period.

3. Reducing the monitoring frequency for all parameters from 1/Month to 1/Quarter.

4. Establishing limitations for hydrostatic test water discharges.

5. Establishing a requirement to develop, maintain and periodically update a storm water pollution prevention plan (SWPPP) for the facility.

3. PERMIT SUMMARY (cont'd)

c. History – The most current relevant regulatory actions include the following:

August 8, 1999 - The EPA issued NPDES permit #ME0002291 for a five-year term.

June 5, 2000 – The Department issued WDL #W000637-5S-D-R renewal for a five-year term.

October 8, 2004 – Motiva Enterprises LLC. (Motiva) submitted a timely application to the Department to renew the WDL for the South Portland facility.

2. PERMIT SUMMARY (cont'd)

d. Source Description: The permittee's facility is engaged in the transfer (ship to shore), storage and distribution of refined petroleum products such as gasoline and distillate oils. The site has twelve (12) above-ground storage tanks having a gross capacity of approximately 831,000 barrels (34,902,000 gallons). In addition to tankage, there is an extensive above-ground and below-ground network of piping. There is a marine docking facility to transfer product from ships and or barges to the shore and a loading rack area where product from the storage tanks is transferred to tanker truckers to be distributed to local fuel oil dealers and gasoline stations for distribution to the general public.

Each of the storage tanks is enclosed in an unlined area of earthen dikes or concrete walls. The diked areas are designed to contain the contents of the enclosed tanks plus an additional volume to contain any extinguishment chemicals or water and precipitation. The dikes are required by the City of South Portland for safety to prevent product from spilling from one tank area to another or directly into a receiving waterbody, provide temporary containment in the event of a tank failure and isolate tanks in the event of a major fire in a tank. The remainder of the site consists of an office building, a warehouse complex and a truck loading rack area. The total drainage area of the site contributing to the discharge from the facility is approximately 16.0 acres of which approximately 4.2 acres is impervious area.

If necessary, hydrostatic test water is used to test the tank integrity. The test water is from tanks which have been washed and cleaned in preparation for repair and then cleaned before testing. The permittee has indicated that hydrostatic testing of it's largest tank would discharge approximately 118,000 barrels or 5.0 million gallons. It is noted the hydrostatic test waters are physically discharged via the Outfall #001 pipe. The reporting of test results associated with the discharge of hydrostatic test waters required by this permit shall be reported under administrative Outfall #002.

Sanitary waste waters generated by employees at the facility are conveyed to the City of South Portland's waste water treatment facility which is also regulated by this Department via a MEPDES permit.

e. Waste water treatment: Most of the storm water is captured and detained in the diked areas around the various tanks. These individual diked areas are either manually drained by gravity or pumped out and conveyed to an oil/water separator where it receives best practicable treatment prior to discharge. The valving of the drain lines are always kept closed for safety and must be opened each time a diked area is drained. The permittee has indicated in the application for permit renewal that the oil/water separator is rated for 500 gallons per minute (gpm). This permit does not require further treatment of the hydrostatic testing water unless dechlorination is required to protect water quality.

All waste streams described above are discharged to the Fore River through a common outfall pipe measuring six (6) inches in diameter and is exposed at mean low water. See Attachment A of this Fact Sheet for a schematic of the facility.

3. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A., Section 414-A, requires that the effluent limitations prescribed for discharges require application of best practicable treatment, be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., Section 420, and Department Regulation Chapter 530.5, *Surface Water Toxics Control Program,* requires the regulation of toxic substances at the levels set forth for Federal Water Quality Criteria as published by the U.S. Environmental Protection Agency pursuant to the Clean Water Act.

4. RECEIVING WATER QUALITY STANDARDS:

Maine law, 38 M.R.S.A., Article 4-A §465-B classifies the Fore River at the point of discharge as a Class SC waterway. Maine law, 38 M.R.S.A., Article 4-A, §465-A(3) describes the classification standards for Class SC waters.

5. RECEIVING WATER CONDITIONS

A document entitled The State of Maine, Department of Environmental Protection, 2002 Integrated Water Quality Monitoring and Assessment Report, published by the Department lists the Fore River estuary as Waterbody #804-7 in a table entitled *Category 5-A; Estuarine And Marine Waters Impaired By Pollutants Other Than Those Listed in 5-B TMDL Required).* Sampling conducted in calendar year 2001 indicates the designated use of *"...suitable for :... habitat for fish and other estuarine and marine life"* in the Fore River estuary in South Portland is impaired. The report indicates the cause of the impairment is toxics and bacteria from municipal point sources, combined sewer overflows and storm water runoff from hazardous waste sites and non-point sources. The Department has scheduled calendar year 2012 to prepare a total maximum daily load (TMDL) report to address the impairment.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Discharges from activities associated with bulk petroleum stations and terminal operations must satisfy best conventional technology (BCT) and best available technology (BAT) requirements and must comply with more stringent water quality standards if BCT and BAT requirements are not adequate. On September 25, 1992, EPA promulgated through its General Permit for Storm Water Discharge Associated with Industrial Activity, that the minimum BAT/BCT requirement for storm water discharges associated with industrial activity is a Storm Water Pollution Prevention Plan (SWPPP) [57 FR, 44438]. In addition to a SWPPP, the Department is carrying numeric effluent limitations and or monitoring requirements forward from the previous NPDES permitting and WDL action for petroleum constituents to ensure the discharge(s) do not contribute to violations of the State's water quality standards.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

This permit authorizes the discharge of treated storm water and hydrostatic test waters with numeric effluent limitations which are within applicable water quality standards and requires the development and implementation of a storm water pollution prevention plan for additional protection of the environment. The effluent parameters for each waste stream are discussed in more detail below. The sections are arranged according to the effluent characteristic(s) being regulated.

a. Storm Water Runoff and/or Hydrostatic Test Waters – Outfall #001

1. Flow - Typically, the treatment technology for storm water runoff employed by bulk storage petroleum terminals is an oil/water [O/W] separator. This device uses gravity to separate the lower-density oils from water; resulting in an oil phase above the oil/water interface and a heavier particulate (sludge) phase on the bottom of the O/W separator. It follows that the sizing of O/W separators is based on the following design parameters: water-flow rate, density of oil to be separated, desired percentage removal of oil, and the operating temperature range.

   The previous licensing established a daily maximum flow limit of 500 gpm that was based on information supplied by the permittee as to the design capacity of the O/W separator. The permittee has indicated the capacity has not changed from the previous licensing action and as a result is being carried forward in this permitting action.

2. Total Suspended Solids (TSS) - Total suspended solids have been limited in this permit to minimize the potential carryover of petroleum fractions to the receiving water(s) by adsorption to particulate matter or suspended solids. Both heavy metals and polynuclear aromatic hydrocarbons (PAHs) readily adsorb to particulate matter.

   The previous licensing action established a daily maximum concentration limit of 50 mg/L for TSS based on a Department best professional judgment (BPJ) of limits that were achievable for bulk fuel storage and transfer facilities located in the State of Maine. The 8/30/99 NPDES permit issued by the EPA establishing a daily maximum concentration limit of 100 mg/L based on a EPA Region I BPJ determination that the technology guidelines promulgated at 40 CFR Part *423—Steam Electric Power Generating Point Source Category*, for point source discharges of low volume waste water were appropriate to control the discharge of sediment particles and oils from bulk storage petroleum terminals in the region.

   The Department issued WDL renewals for all the bulk fuel storage and transfer facilities in calendar years 1997 - 2000 (generally speaking) with a daily maximum concentration limit of 50 mg/L for TSS. Many of the facilities, including the Motiva facility, have not been able to consistently comply with the daily maximum limit of 50 mg/L after implementing the SWPPP and properly operating and maintaining the

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

a. Storm Water Runoff Only and/or Hydrostatic Test Waters – Outfall #001

O/W separators. A number of the facilities have written to the Department requesting the Department revise the limit to be consistent with EPA's Region I BPJ limit of 100 mg/L.

The Department has reviewed the Discharge Monitoring Reports (DMR's) for all of the bulk fuel storage and transfer facilities in the State of Maine and conducted on-site inspections at many of the facilities to verify the SWPP's are being implemented and the O/W's are being properly operated and maintained. The Department concurs that the daily maximum concentration limit is overly stringent and is not achievable on a year-round basis. The industry believes the root cause for the exceedences is that the soil types used to construct the dikes and spread on the yard areas to enhance traction in the winter (areas subject to foot and vehicular traffic) contain a high level of fine clay-like materials that do not settle out before discharge.

A permit may not be renewed, reissued or modified with less stringent limitations or conditions than those contained in the previous permit unless in compliance with the anti-backsliding requirements of the CWA [see Sections 402(o) and 303(d)(4) of the CWA and 40 CFR §122.44(l)(1 and 2)]. EPA's antibacksliding provisions prohibit the relaxation of permit limits, standards, and conditions except under certain circumstances. The anti-backsliding provisions authorizes the permitting authority to relax limits based on new information and under circumstances where the permittee has applied best practicable treatment and is unable to comply with the limit. The Department has made the determination that bulk fuel storage and transfer facilities as a whole have satisfied the Department that the Department's BPJ daily maximum concentration limitation of 50 mg/L established in the previous licensing actions is not consistently achievable even after the application best practicable treatment and implementation of the SWPP's. Therefore, to be consistent with the EPA Region I's issuance of NPDES permits for like facilities in New England, the Department is establishing a daily maximum concentration limit of 100 mg/L and establishing a twelve-month rolling averaging period for compliance with the concentration limit of 50 mg/L. The Department has made a best professional judgment that the increase in

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

a. Storm Water Runoff Only and/or Hydrostatic Test Waters – Outfall #001

the daily maximum limit will not cause or contribute to failure of the receiving water to meet water quality standards given the infrequent nature of the discharge. An example for calculating a 12-month rolling average is as follows:

Calendar year 2005
Quarter #1

Month	Test Result
Jan.	15 mg/L
	53 mg/L
Feb.	31 mg/L
Mar	71 mg/L
	24 mg/L
	37 mg/L

Calendar year 2005
Quarter #2

Month	Test Result
Apr.	50 mg/L
May	34 mg/L
	47 mg/L
	39 mg/L
June	No Discharge

Calendar year 2005
Quarter #3

Month	Test Result
July	25 mg/L
	72 mg/L
Aug.	No Discharge
Sept.	71 mg/L
	22 mg/L
	26 mg/L

Calendar year 2005
Quarter #4

Month	Test Result
Oct.	50 mg/L
Nov.	34 mg/L
	47 mg/L
	59 mg/L
Dec.	89 mg/L

$$\text{12-Month rolling average} = \frac{\Sigma \text{ effluent concentrations}}{\text{n results}} = \frac{896}{20} = 45 \text{ mg/L}$$

As stated in footnote #3 of Special Condition A, *Effluent Limitations and Monitoring Requirements*, of the permit, the 12-month averaging period is based on the most recent twelve month period of time. Months where no discharge took place are excluded (i.e. do not figure in a zero) in the calculation. It is noted the monitoring frequency for TSS in this permitting action is 1/Quarter. The example for calculating the 12-month rolling average above indicates the permittee has conducted testing more frequently than required by the permit. Pursuant to federal regulation 40 CFR, §122.41(l)(4)(ii) and Standard Condition D(1)(d)(ii) of this permit, requires the additional monitoring results to be reported to the Department and included in applicable calculations.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

a. Storm Water Runoff Only and/or Hydrostatic Test Waters – Outfall #001

3. Oil and Grease (O&G) – The previous licensing action contained a daily maximum concentration limit of 15 mg/L based on Department regulation, Chapter 600-§16, stipulating that all oil terminal facilities shall be equipped with an oil/water separator system capable of receiving all oily water runoff from the facility and reducing oil content to 15 mg/L or less. A review of the DMR data for the period 1997 to the present indicates the limit has consistently been achieved and is therefore being carried forward in this permitting action.

4. Benzene - Three gasoline compounds with the highest solubility's are: naphthalene, propylene, and benzene. Propylene and naphthalene, however, are minor constituents of gasoline. In the past, benzene has been selected as the main pollutant of concern in light distillates such as gasoline since it existed in light distillates at significant concentrations.

   A traditional approach to limiting effluents contaminated with gasoline or other light distillates has been to limit the aggregate parameter of: benzene, ethylbenzene, toluene, and total xylenes (or BETXs). This approach stems from the petroleum-industry practice of determining the quality of fuels by measuring BETXs, which can be highly variable amongst gasoline products. Another reason for limiting BETXs is that EPA and the State have promulgated ambient water quality criteria (AWQC) for benzene, ethylbenzene, toluene, and the xylene(s). Of the four aromatics, benzene is by far the most soluble in water. In addition, benzene has the most stringent water quality criteria for human health. Because of its relatively high solubility in water, benzene can be considered as the "limiting pollutant parameter." Therefore, a monitoring requirement for the daily maximum concentration of benzene is being established as a screening parameter for BETX compounds in this permitting action and results will be evaluated against EPA's acute AWQC for marine waters.

b. Hydrostatic Test Water (Outfall #002 – administrative outfall for reporting purposes)

The previous licensing action established sampling protocols and reporting requirements for TSS, oil & grease, total iron, chemical oxygen demand (COD), pH and total residual chlorine. The permittee has indicated that hydrostatic testing of pipelines and tanks with water remains a common practice at the facility. In addition to hydrostatic testing, pipelines and tanks are tested via X-ray. The permittee would like to retain authorization to discharge hydrostatic test waters. Therefore, the authorization to discharge hydrostatic test waters is being carried forward in this permitting action in accordance with the following conditions:

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

b. Hydrostatic Test Water (Outfall #002– administrative outfall for reporting purposes)

1. Flow – The previous licensing action did not establish a flow limitation but did establish a reporting requirement. This permitting action is establishing a limitation of 5.0 million gallons (5.0 EE6) which is equal to the volume of the largest tank on site, 118,000 barrels.

2. Total Suspended Solids – The previous licensing action did not establish any limitations for TSS. This permitting action is establishing a daily maximum limit of 50 mg/L based on a Department BPJ of limits that are achievable given the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing.

3. Oil & Grease: The previous licensing action did not establish any limitations for oil & grease. This permitting action is establishing a daily maximum concentration limit of 15 mg/L that is a Department BPJ of limits that are achievable given the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing.

4. Total residual chlorine (TRC): The previous licensing action did not establish any limits for TRC. This permitting action is establishing a daily maximum TRC limit of 0.013 mg/L. The limitation is equal to the acute ambient water quality criteria (AWQC) given the dilution at mean low water is 1:1. However, compliance with this limitation will be based on EPA's minimum level (ML) of detection of 0.050 mg/L.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the waterbody to meet standards for Class SC classification. It is noted the Department has scheduled calendar year 2012 to prepare a total maximum daily load (TMDL) report to address water quality impairment not associated with the discharge from the Motiva facility.

8. PUBLIC COMMENTS

Public notice of this application was made in the Portland Press newspaper on or about November 4, 2004. The Department receives public comment on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

Additional information concerning this permitting action may be obtained from and written comments should be sent to:

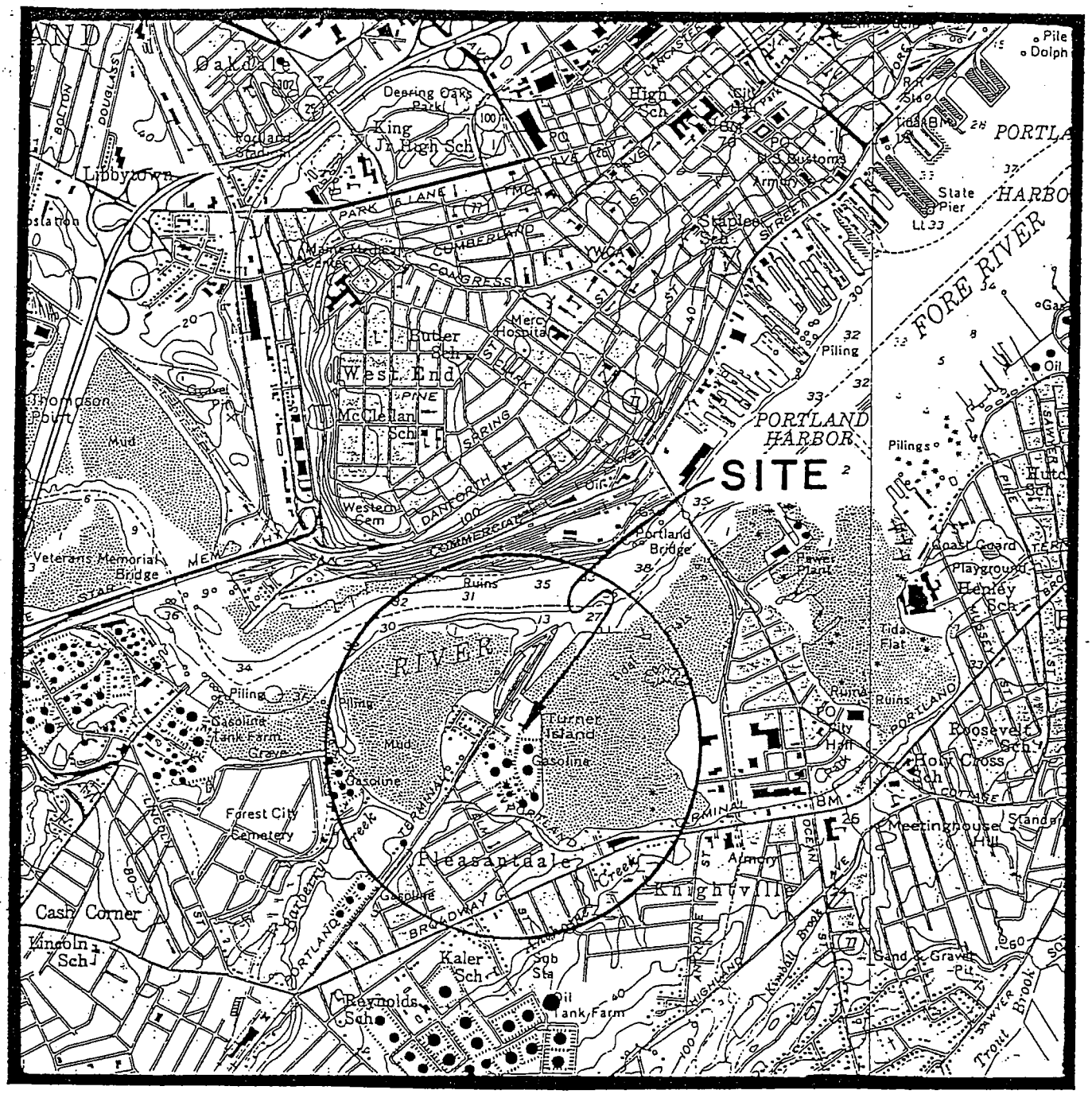
Gregg Wood
Division of Water Resource Regulation
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 287-7693
Electronic mail: gregg.wood@maine.gov

10. RESPONSE TO COMMENTS

During the period of December 14, 2004 through January 14, 2005, the Department solicited comments on the proposed draft MEPDES permit/WDL for the discharge from Motiva's bulk fuel storage and transfer facility. The Department did not receive comments from the permittee, state or federal agencies, or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A

Attachment 1

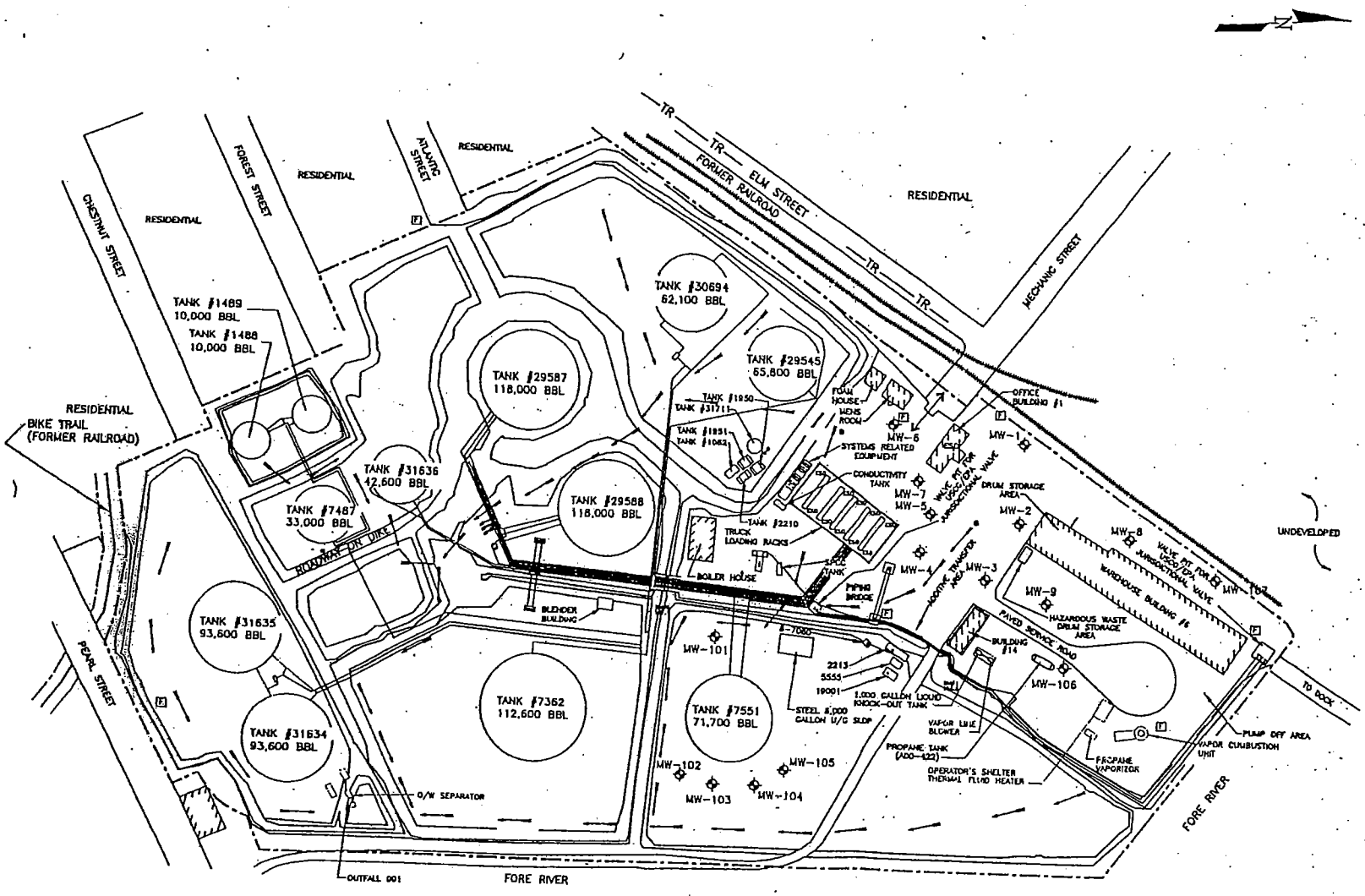


Handex

398 CEDAR HILL STREET MARLBORO, MA 01752

FIGURE 1
LOCUS MAP

LOCATION	102 MECHANIC STREET
	SOUTH PORTLAND, ME
JOB NO.	107104-01
SCALE	1" = 2000' APPROX.



LEGEND

- ABOVE GROUND PIPING
- UNDERGROUND PIPING
- SITE BOUNDARY
- U/G — UNDERGROUND
- BBL — BARRELS
- BIKE TRAIL
- DRAINAGE FLOW
- RESPONSE PERSONNEL INGRESS AND EGRESS
- STORM DRAIN
- F — FIRE HYDRANT
- TR — RESPONSE EQUIPMENT TRANSPORTATION ROUTE
- MW-4 — MANWAYS
- ESD — EMERGENCY SHUTDOWN BUT

NOTE:

1. THERE ARE NO WEIRS ON THIS PROPERTY.

APPROXIMATE SCALE IN FEET

0 150 300

Attachment 1.1

DRAINAGE DIAGRAM
FIGURE 1.4

MOTIVA TERMINAL NO. 58050
102 MECHANIC STREET
SOUTH PORTLAND, MAINE

GSC REF.:	DATE:
DRAFTED BY:	CHECKED BY:
REVISED BY:	DATE:

SOURCE: MISCELLANEOUS SITE PLANS PROVIDED STAR ENTERPRISES AND GSC FIELD RECONNAISSANCE